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			Filing Date	003797.	78520	
			First Named Inventor	Jonatha	n Kagle	
(to be used tot all co	orrespondence after initi	al filing)	Art Unit	2178		
			Examiner Name	Cong-Lac Huynh		
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Firm or John M. Fleming, Reg. No. 56,536					`	
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Design	200	100	100	50	130	65			
Plant	200	100	300	150	160	80			
Reissue	300	150	500	250	600	300			
Provisional	200	100	0	0	0	0			
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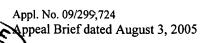
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If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

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Name (Print/Type)	John	M. Flemina			Date	August 3, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

n re the Application of:

Atty. Docket No.:

003797.78520

Jonathan Kagle

Serial No.: 0

09/299,724

Group Art Unit:

2178

Filed:

April 27, 1999

Examiner:

Cong-Lac Huynh

For:

SIMPLIFIED DESIGN FOR HTML

Confirmation No.:

3637

APPEAL BRIEF

U.S. Patent and Trademark Office Customer Service Window, Mail Stop Appeal Brief-Patents Randolph Building 401 Dulany Street Alexandria, VA 22314 Sir:

This is an Appeal Brief in accordance with 37 C.F.R. § 41.37 in support of Appellant's June 28, 2005 Notice of Appeal. Appeal is taken from the Final Office Action mailed February 28, 2005. Please charge any necessary fees in connection with this Appeal Brief to our Deposit Account No. 19-0733.

REAL PARTY IN INTEREST

37 C.F.R. § 41.37(c)(1)(i)

The owner of this application, and the real party in interest, is Microsoft Corporation.

RELATED APPEALS AND INTERFERENCES

37 C.F.R. § 41.37(c)(1)(ii)

There are no related appeals and interferences.

STATUS OF CLAIMS

37 C.F.R. § 41.37(c)(1)(iii)

Claims 1-68 stand rejected and are shown in the attached appendix.

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Appellant hereby appeals the rejection of claims 1-68.

STATUS OF AMENDMENTS

37 C.F.R. § 41.37(c)(1)(iv)

All amendments filed during prosecution have been entered. As such, the Claims Appendix represents the claims based on entry of the Amendment filed December 8, 2004.

SUMMARY OF CLAIMED SUBJECT MATTER

37 C.F.R. § 41.37(c)(1)(v)

In making reference herein to various portions of the specification and drawings in order to explain the claimed invention, Appellant does not intend to limit the claims; all references to the specification and drawings are illustrative unless otherwise explicitly stated.

The present invention provides for the creation of web pages on hand-held device, such as PDAs, digital cameras and web television boxes. More specifically, the present invention provides a way to layout an HTML page that does not require the client device on which the HTML page is being created to have a significant amount of processing power and/or memory. *Specification*, p. 4, ll. 11-15.

After generating a web page layout, a particular region of the generated web page layout is selected using a user interface selection device. *Specification*, p. 14, ll. 17-18, p. 16, ll. 13-15, and Figure 5. A user interface selection device may include a mouse, trackball, a joystick, or other well-known cursor-control/entry-selection device. *Specification*, p. 13, l. 18 to p. 14, l. 1. A particular style for the particular region is selected from various style templates. Each style template includes HTML codes for the particular style of the template. *Specification*, p. 14, l. 18 to p. 15, l. 3, p. 16, ll. 15-17, and Figure 5. Responsive to different style templates being selected, the web page layout is updated automatically to reflect the relative position of the

selected template on the web page layout. *Specification*, p. 14, ll. 11-14 and Figures 3 and 4. Once a user is satisfied with a page layout, an upload command may be selected and the finished web page may be uploaded to a server. *Specification*, p. 13, ll. 4-5.

Among other features, the style template may a macro style template. *Specification*, p. 12, l. l and p. 17, ll. 6-10. Illustrative style templates include templates for titles, text, audio, pictures, parallel column, and navigational bars. The style templates may be obtained from a library of predetermined style templates depicted by graphical icons. *Specification*, p. 4, ll. 16-20, p. 5, ll. 9-12, and Figures 3 and 4.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

37 C.F.R. § 41.37(c)(1)(vi)

The remaining ground of rejection on appeal includes:

1) Claims 1-68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jois et al. (U.S. Patent No. 6,112,242, hereinafter referred to as *Jois*) in view of Moore et al. (U.S. Patent No. 6,330,575, hereinafter referred to as *Moore*).

ARGUMENT

37 C.F.R. § 41.37(c)(1)(vii)

1. Claims 1-68 are patentably distinct from *Jois* in view of *Moore*.

The Final Office Action mailed February 28, 2005 (hereinafter referred to as *Final Action*) rejects claims 1-68 as having been unpatentable over *Jois* in view of *Moore*. Appellant respectfully traverses this rejection

Independent claims 1 and 23 each recite, among other features, "automatically generating an updated web page layout responsive to receiving the style template selection signal."

Appellant's invention is patentably distinguishable over the prior art because the combination of

Jois and Moore neither teaches nor suggests this feature of Appellant's claims 1 and 23. As acknowledged in the Final Action, Jois fails to teach or suggest this feature. (Final Action, pages 3-4). In response, the Final Action cites Moore in combination with Jois to teach this feature. Specifically, the Final Action cites Figure 7 of Moore.

The Final Action states, "the preview feature inherently shows that the updated webpage layout is automatically generated after selecting a style for the header to show how the web page is presented for previewing." (Final Action, page 4). In Moore, as shown in Figures 6, 7, 8, and 10, generation of a web page layout is not automatic. In Moore, a user must first perform a selection operation to preview the web page using the "Development Tool." (See Moore, Figure 7). Any type of finished web page or preview web page again is not generated automatically responsive to receiving the style template selection signal. Moore does not automatically generate an updated web page responsive to receiving the style template selection signal, rather, in Moore, a user can only preview his/her web page responsive to when he/she selects the "preview" tab option. In fact, as per the Advisory Action mailed April 20, 2005 (hereinafter referred to as Advisory Action), the Examiner agrees that ""the preview is performed by [the] user." Therefore, the combination of Jois and Moore fails to teach or suggest, "automatically generating an updated web page layout responsive to receiving the style template selection signal," as recited, among other features, in Appellant's claims 1 and 23.

Independent claims 1 and 23 also each recite, among other features, "receiving a predetermined selection signal indicative of a user interface selection device pointing at a selected predetermined region of the web page layout." Appellant's invention is patentably distinguishable over the prior art because the combination of *Jois* and *Moore* neither teaches nor

suggests this feature of Appellant's claims 1 and 23. The *Final Action* and *Advisory Action* cites column 6, lines 14-25 as describing this feature.

Specifically, a master template defines a boundary and is composed of template tags that identify and mark the location for subtemplates to be inserted to create a Web page. "The template tags 510, 511 and 512 respectively identifies subtemplate #0, subtemplate #1 and subtemplate #2 and marks the location on the master template 500 where each is to be inserted by the composite Web page generator 240." The predefined subtemplates are defined by the master template. There is no description of a signal indicative of a user interface selection device pointing at a selected predetermined region of the web page layout. In fact, there is no description of a signal indicative of a user interface device pointing at any region of the web page layout. Neither the cited portion, nor any other portion of Jois, teaches or suggests, "receiving a predetermined selection signal indicative of a user interface selection device pointing at a selected predetermined region of the web page layout." Moore fails to cure this deficiency of Jois. As such, for at least the above identified reasons, withdrawal of the rejection is respectfully requested.

Appellant's independent claims 17 and 39 each recite, among other features, "automatically generating an updated web page layout responsive to receiving the macro style template selection signal." Appellant's invention is patentably distinguishable over the combination of *Jois* and *Moore* for at least the same reasons as stated above with reference to Appellant's claims 1 and 23.

Independent claim 45 recites, among other features, "displaying a web page layout on a display" and "automatically displaying an updated web page layout in response to the received style template selection signal." Appellant's invention is patentably distinguishable over the combination of *Jois* and *Moore* for at least the same reasons as stated above with reference to Appellant's claims 1, 17, 23, and 39. In addition, the *Final Action* cites Figure 4 and column 5, lines 5-16 of *Jois* as describing Appellant's feature of, "displaying a web page layout on a display." As described by the cited portion, Figure 4 of *Jois* shows the display of a specific composite, interactive Web page. (Col. 5, lines 5-6). Figure 4 is the end result after a Web page has been created. "In one embodiment, associated with each listed item is an 'add' button and a 'subtract' button. When a user mouse clicks an item's add button, he or she is sending a buy order for the item to the server 200." (Col. 5, lines 16-20). As described, this portion of *Jois* describes nothing more than a completed Web page, not "displaying a web page layout on a display," as recited in claim 45.

Appellant's claims 2-16, 62-63, and 65-68, 18-22 and 64, 24-38, 40-44, and 46-61, which depend from claims 1, 17, 23, 39, and 45, respectively, are patentably distinct over the combination of *Jois* and *Moore* for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein.

CONCLUSION

For all of the foregoing reasons, Appellant respectfully submits that the final rejection of claims 1-68 is improper and should be reversed.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: August 3, 2005

By:

Registration No. 56,536

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Washington, D.C. 20001-4597

(202) 824-3000 Tel: Fax: (202) 824-3001

CLAIMS APPENDIX 37 C.F.R. § 41.37(c)(1)(viii)

Claim 1: A method for generating a hypertext markup language (HTML) page, the method comprising steps of:

generating a web page layout;

receiving a predetermined selection signal indicative of a user interface selection device pointing at a selected predetermined region of the web page layout;

receiving a style template selection signal indicative of the user selection device pointing at a selected style template for the predetermined region, the selected style template including at least one HTML code defining a style of the style template; and

automatically generating an updated web page layout responsive to receiving the style template selection signal.

Claim 2: The method according to claim 1, wherein the predetermined region of the web page layout is a horizontal region spanning an entire width of the web page layout.

Claim 3: The method according to claim 62, wherein the selected style template includes a space for information that is related to the style of the style template,

the method further comprising a step of inserting the information related to the style of the template into the space before the step of uploading the updated web page layout.

Claim 4: The method according to claim 3, wherein the information related to the style of the template is a title.

Claim 5: The method according to claim 3, wherein the information related to the style of the template is textual.

Claim 6: The method according to claim 3, wherein the information related to the style of the template includes hypertext link information.

Claim 7: The method according to claim 3, wherein the information related to the style of the template includes at least two of image information, graphical information, textual information, and audio information.

Claim 8: The method according to claim 3, wherein the information related to the style of the style template is a pointer to a file containing information that is to be inserted into the selected template.

Claim 9: The method according to claim 8, wherein the file contains image information.

Claim 10: The method according to claim 8, wherein the file contains graphical information.

Claim 11: The method according to claim 8, wherein the file contains audio information.

Claim 12: The method according to claim 1, wherein the selected style template is one of a title template, a text template, an audio template, a picture template, a parallel column template and a navigational bar template.

Claim 13: The method according to claim 1, wherein the step of receiving the style template selection signal includes a step of selecting a graphical icon representing the style of the template.

Claim 14: The method according to claim 1, further comprising a step of concatenating a plurality of selected style templates to automatically generate the updated web page layout.

Claim 15: The method according to claim 1, further comprising a step of recording the updated web page layout as a macro style template.

Claim 16: The method according to claim 15, further comprising steps of: selecting the macro style template;

inserting information related to the style of each style template forming the macro style template; and

uploading the updated web page layout to a server.

Claim 17: A method for generating a hypertext markup language (HTML) page, the method comprising steps of:

generating a web page layout;

receiving a predetermined selection signal indicative of a user interface selection device pointing at a selected predetermined region of the web page layout;

receiving a macro style template selection signal indicative of the user selection device pointing at a selected macro style template for the web page layout, the selected macro style template including at least one style template for the predetermined region, each style template including at least one HTML code defining a style of the style template; and

automatically generating an updated web page layout responsive to receiving the macro style template selection signal.

Claim 18: The method according to claim 64, wherein the predetermined region of the web page layout is a horizontal region spanning an entire width of the web page layout.

Claim 19: The method according to claim 17, wherein at least one style template of the macro style template includes a space for information related to the style of the style template,

the method further comprising a step of inserting the information related to the style of the template into the space before the step of automatically generating the updated web page layout.

Claim 20: The method according to claim 19, wherein the information related to the style of the template is one of a title, text, a pointer to a file containing image information, a pointer to a file containing graphical information, a pointer to a file containing audio information, and hypertext link information.

Claim 21: The method according to claim 17, wherein the macro style template includes a style template that is one of a title template, a text template, an audio template, a picture template, a parallel column template and a navigational bar template.

Claim 22: The method according to claim 17, wherein the step of receiving the macro style template selection signal includes a step of selecting a graphical icon representing the selected macro style template.

Claim 23: A computer-readable medium having computer-executable instructions for performing steps comprising:

generating a web page layout;

receiving a predetermined selection signal indicative of a user interface selection device pointing at a selected predetermined region of the web page layout;

receiving a style template selection signal indicative of the user selection device pointing at a selected style template for the predetermined region, the selected style template including at least one HTML code defining a style of the style template; and

automatically generating an updated web page layout responsive to receiving the style template selection signal.

Claim 24: The computer-readable medium according to claim 23, wherein the predetermined region of the web page layout is a horizontal region spanning an entire width of the web page layout.

Claim 25: The computer-readable medium according to claim 23, wherein the selected style template includes a space for information that is related to the style of the style template,

the computer-executable instructions further performing a step of inserting the information related to the style of the template into the space before the step of automatically generating the updated web page layout.

Claim 26: The computer-readable medium according to claim 25, wherein the information related to the style of the template is a title.

Claim 27: The computer-readable medium according to claim 25, wherein the information related to the style of the template is textual.

Claim 28: The computer-readable medium according to claim 25, wherein the information related to the style of the template includes hypertext link information.

Claim 29: The computer-readable medium according to claim 25, wherein the information related to the style of the template includes at least two of image information, graphical information, textual information, and audio information.

Claim 30: The computer-readable medium according to claim 25, wherein the information related to the style of the style template is a pointer to a file containing information that is to be inserted into the selected template.

Claim 31: The computer-readable medium according to claim 30, wherein the file contains image information.

Claim 32: The computer-readable medium according to claim 30, wherein the file contains graphical information.

Claim 33: The computer-readable medium according to claim 30, wherein the file contains audio information.

Claim 34: The computer-readable medium according to claim 23, wherein the selected style template is one of a title template, a text template, an audio template, a picture template, a parallel column template and a navigational bar template.

Claim 35: The computer-readable medium according to claim 23, wherein the step of receiving the style template selection signal includes a step of selecting a graphical icon representing the style of the template.

Claim 36: The computer-readable medium according to claim 23, wherein the computer-executable instructions further perform a step of concatenating a plurality of selected style templates to automatically generate the updated web page layout.

Claim 37: The computer-readable medium according to claim 23, wherein the computer-executable instructions further perform a step of recording the updated web page layout as a macro style template.

Claim 38: The computer-readable medium according to claim 37, wherein the computer-executable instructions further performing steps of:

selecting the macro style template;

inserting information related to the style of each style template forming the macro style template; and

uploading the updated web page layout to a server.

Claim 39: A computer-readable medium having computer-executable instructions for performing steps comprising:

generating a web page layout;

receiving a predetermined selection signal indicative of a user interface selection device pointing at a selected predetermined region of the web page layout;

receiving a macro style template selection signal indicative of the user selection device pointing at a selected macro style template for a web page layout, the selected macro style template including at least one style template for the predetermined region, each style template including at least one HTML code defining a style of the style template; and

automatically generating an updated web page layout responsive to receiving the macro style template selection signal.

Claim 40: The computer-readable medium according to claim 39, wherein the predetermined region of the web page layout is a horizontal region spanning an entire width of the web page layout.

Claim 41: The computer-readable medium according to claim 39, wherein at least one style template of the selected macro style template includes a space for information related to the style of the style template,

the computer-executable instructions further performing a step of inserting the information related to the style of the template into the space before the step of automatically generating the updated web page layout.

Claim 42: The computer-readable medium according to claim 41, wherein the information related to the style of the template is one of a title, text, a pointer to a file containing image information, a pointer to a file containing graphical information, a pointer to a file containing audio information, and hypertext link information.

Claim 43: The computer-readable medium according to claim 39, wherein the at least one style template is one of a title template, a text template, an audio template, a picture template, a parallel column template and a navigational bar template.

Claim 44: The computer-readable medium according to claim 39, wherein the step of receiving the macro style template selection signal includes a step of selecting a graphical icon representing the selected macro style template.

Claim 45: In a computer system having a graphical user interface including a display and a user interface selection device, a method for providing and selecting items for generating a hypertext markup language (HTML) page, the method comprising steps of:

displaying a web page layout on a display;

displaying a plurality of style templates on the display, each style template representing a layout style for a predetermined region of the web page layout;

receiving a predetermined region selection signal indicative of a user interface selection device pointing at a selected predetermined region on the display;

receiving a style template selection signal indicative of the user interface selection device pointing at a selected style template on the display, the selected style template associated with at least one HTML code defining a style of the style template; and

automatically displaying an updated web page layout in response to the received style template selection signal.

Claim 46: The method according to claim 45, further comprising the steps of:

displaying an uploading layout command selection on the display;

receiving an uploading layout entry selection signal indicative of the user interface device pointing at the uploading layout entry command selection; and

uploading the updated web page layout to a server in response to the uploading layout entry selection signal, the updated web page layout including at least one selected style template.

Claim 47: The method according to claim 45, wherein the predetermined region of the web page layout is a horizontal region spanning an entire width of the web page layout.

Claim 48: The method according to claim 45, wherein the selected style template includes a space for information that is related to the style of the style template,

the method further comprising a step of receiving the information related to the style of the template for entry into the space.

Claim 49: The method according to claim 48, wherein the information related to the style of the template is a title.

Claim 50: The method according to claim 48, wherein the information related to the style of the template is textual.

Claim 51: The method according to claim 48, wherein the information related to the style of the template includes hypertext link information.

Claim 52: The method according to claim 48, wherein the information related to the style of the template includes at least two of image information, graphical information, textual information, and audio information.

Claim 53: The method according to claim 48, wherein the information related to the style of the style template is a pointer to a file containing information that is entered into the selected template.

Claim 54: The method according to claim 53, wherein the file contains image information.

Claim 55: The method according to claim 53, wherein the file contains graphical information.

Claim 56: The method according to claim 53, wherein the file contains audio information.

Claim 57: The method according to claim 45, wherein the selected style template is one of a title template, a text template, an audio template, a picture template, a parallel column template and a navigational bar template.

Claim 58: The method according to claim 45, wherein each style template displayed on the display is a graphical icon representing the style of the template.

Claim 59: The method according to claim 45, further comprising a step of concatenating a plurality of selected style templates in response to the received style template selection signal.

Claim 60: The method according to claim 45, further comprising steps of

displaying at least one macro style template on the display, each macro style template representing a stored web page layout;

receiving a macro style template selection signal indicative of the user interface selection device pointing at a selected macro style template on the display; and

displaying the stored web page layout in response to the received style template selection signal.

Claim 61: The method according to claim 60, wherein the selected macro style template includes a style template having a space for information that is related to the style of the style template, the method further comprising a step of receiving the information related to the style of the template for entry into the space.

Claim 62: The method according to claim 1, further comprising a step of uploading the updated web page layout to a server, the updated web page layout including at least one selected style template.

Claim 63: The method according to claim 1, further comprising steps of: selecting a second predetermined region of the web page layout; and selecting a style template for the second predetermined region.

Claim 64: The method according to claim 17, further comprising a step of uploading the updated web page layout to a server.

Claim 65: The method according to claim 1, further comprising a step of updating the web page layout responsive to receiving the style template selection signal.

Claim 66: The method according to claim 1, further comprising steps of:

receiving a second predetermined selection signal indicative of the user interface device pointing at a second selected predetermined region of the updated web page layout;

receiving a second style template selection signal indicative of the user selection input device pointing at a second selected style template for the second predetermined region, the second selected style template including at least one HTML code defining a style of the second style template; and

automatically generating a newly-updated web page responsive to receiving the second style template selection signal.

Claim 67: The method according to claim 66, wherein the first and second predetermined regions are the same region.

Claim 68: The method according to claim 66, wherein the first and second selected style templates are different style templates.